

trials and be involved in facilitating their appropriate progress.

**§312.88 Safeguards for patient safety.**

All of the safeguards incorporated within parts 50, 56, 312, 314, and 600 of this chapter designed to ensure the safety of clinical testing and the safety of products following marketing approval apply to drugs covered by this section. This includes the requirements for informed consent (part 50 of this chapter) and institutional review boards (part 56 of this chapter). These safeguards further include the review of animal studies prior to initial human testing (§312.23), and the monitoring of adverse drug experiences through the requirements of IND safety reports (§312.32), safety update reports during agency review of a marketing application (§314.50 of this chapter), and postmarketing adverse reaction reporting (§314.80 of this chapter).

**Subpart F—Miscellaneous**

**§312.110 Import and export requirements.**

(a) *Imports.* An investigational new drug offered for import into the United States complies with the requirements of this part if it is subject to an IND that is in effect for it under §312.40 and:

- (1) The consignee in the United States is the sponsor of the IND;
- (2) the consignee is a qualified investigator named in the IND; or
- (3) the consignee is the domestic agent of a foreign sponsor, is responsible for the control and distribution of the investigational drug, and the IND identifies the consignee and describes what, if any, actions the consignee will take with respect to the investigational drug.

(b) *Exports.* An investigational new drug may be exported from the United States for use in a clinical investigation under any of the following conditions:

- (1) An IND is in effect for the drug under §312.40, the drug complies with the laws of the country to which it is being exported, and each person who receives the drug is an investigator in a study submitted to and allowed to proceed under the IND; or

- (2) The drug has valid marketing authorization in Australia, Canada,

Israel, Japan, New Zealand, Switzerland, South Africa, or in any country in the European Union or the European Economic Area, and complies with the laws of the country to which it is being exported, section 802(b)(1)(A), (f), and (g) of the act, and §1.101 of this chapter; or

- (3) The drug is being exported to Australia, Canada, Israel, Japan, New Zealand, Switzerland, South Africa, or to any country in the European Union or the European Economic Area, and complies with the laws of the country to which it is being exported, the applicable provisions of section 802(c), (f), and (g) of the act, and §1.101 of this chapter. Drugs exported under this paragraph that are not the subject of an IND are exempt from the label requirement in §312.6(a); or

- (4) Except as provided in paragraph (b)(5) of this section, the person exporting the drug sends a written certification to the Office of International Programs (HFG-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, at the time the drug is first exported and maintains records documenting compliance with this paragraph. The certification shall describe the drug that is to be exported (*i.e.*, trade name (if any), generic name, and dosage form), identify the country or countries to which the drug is to be exported, and affirm that:

- (i) The drug is intended for export;
- (ii) The drug is intended for investigational use in a foreign country;
- (iii) The drug meets the foreign purchaser's or consignee's specifications;
- (iv) The drug is not in conflict with the importing country's laws;
- (v) The outer shipping package is labeled to show that the package is intended for export from the United States;

- (vi) The drug is not sold or offered for sale in the United States;

- (vii) The clinical investigation will be conducted in accordance with §312.120;

- (viii) The drug is manufactured, processed, packaged, and held in substantial conformity with current good manufacturing practices;

- (ix) The drug is not adulterated within the meaning of section 501(a)(1), (a)(2)(A), (a)(3), (c), or (d) of the act;